

U.S. Application No. 09/914,407  
Reply to Office Action dated January 26, 2006

PATENT  
450108-02924

## REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-50 are pending in this application. Claims 1-50 have been rejected in the Office Action. Claims 51-81 have been previously canceled.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-50 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,206,750 to Barad, et al. (hereinafter, merely "Barad") in view of PCT World Publication No. WO 99/32263 to Schorr et al. (hereinafter, merely "Schorr").

Claim 1 recites, *inter alia*:

"..... question data transmission means for transmitting question data regarding changeable items in said software of said virtual creature ...

wherein the changeable items include internal conditions, which include at least one of an emotional tendency, an instinct tendency, or an action configuration program,

wherein the emotional tendency comprises an emotion model having a plurality of parameters storing a strength of each emotional tendency,

wherein the instinct tendency comprises an instinct model having a plurality of parameters storing a strength of each instinct tendency, and

wherein the action configuration program comprises a probability automaton to determine a next action ..."

U.S. Application No. 09/914,407  
Reply to Office Action dated January 26, 2006

PATENT  
450108-02924

As understood by Applicant, Barad relates to the manufacturing and marketing of a personalized toy through the use of computer screen images. A user viewing the displayed images is allowed to record a selected configuration of a component to be assembled as part of the personalized toy. A representational image of the toy incorporating the selected configuration may be displayed.

As understood by Applicant Schorr relates to an interactive toy having an adaptive personality and utilizing artificial intelligence which responds to the user and which has learning capabilities. A probability automaton determines a next action (page 16, line 17 - page 17, line 15), What Next (WN) Mechanism of Schorr does not teach storing the strength of either emotional or instinct tendency.

Applicant submits that Barad and Schorr, taken alone or in combination, fail to teach or suggest the above identified features of claim 1. Specifically, Applicant submits Barad and Schorr do not teach or suggest storing a strength of each emotional tendency, as recited in claim 1. Similarly, Barad and Schorr fail to teach or suggest storing a strength of each instinct tendency, as recited in claim 1.

For reasons similar to or somewhat similar to those described above with regard to independent claim 1, independent claims 6, 11, 16, 21, 26, 31, 36, 41, and 46 are also believed to be patentable.

### III. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the

U.S. Application No. 09/914,407  
Reply to Office Action dated January 26, 2006

PATENT  
450108-02924

invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

### CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference providing the basis for a contrary view.

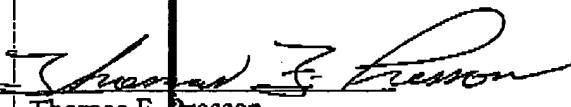
Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicant

By

  
Thomas F. Presson  
Reg. No. 4,442  
(212) 588-0800